CITIES AND TOWNS BULLETIN

AND UNIFORM COMPLIANCE GUIDELINES
ISSUED BY STATE BOARD OF ACCOUNTS

September 2002

JUNE TRAINING SCHOOL

The State Board of Accounts extends its deepest appreciation to the Indiana League of Municipal Clerks and Treasurers for making the arrangements and handling the registrations at the school. Next year's June School will be held as part of the League's Annual Conference at French Lick during the week of June 15, 2003, through June 20, 2003.

COMMON COUNCIL – LEGAL COUNSEL AUTHORIZED

IC 36-4-6-24 authorizes the common council of any city to hire or contract with competent attorneys and/or legal research assistants on terms which the common council considers appropriate. The statute further states: "… (b) Employment of an attorney under this section does not affect the city department of law established under IC 36-4-9 (36-4-9-1 – 36-4-9-12). (c) Appropriations for salaries of attorneys and legal research assistants employed under this section may not exceed the appropriations for similar salaries in the budget of the city department of law."

OFFICIALS' SIGNATURES ON CLAIMS, WARRANTS, AND OTHER OFFICIAL DOCUMENTS

The State Board of Accounts is often asked to approve the use of rubber stamps or other devices for affixing facsimile signatures of public officials on claims, warrants, and other official documents.

The decision as to whether or not the number of documents to be signed justifies the use of a rubber stamp or other device for affixing his/her signature must be made by each official.

Since each official is responsible for his/her signature, a rubber stamp or other signing device should be used only under the closest personal direction of the official and must be properly safeguarded when not in use.

SEATBELT VIOLATIONS

For each seatbelt violation under IC 9-19-10-2, IC 9-19-11-2, or IC 9-19-11-3, a person commits a Class D Infraction. IC 34-28-5-4 allows a court to enter a judgment of up to twenty-five dollars ($25) for each Class D Infraction. All seatbelt violation cases would be considered moving traffic violations under IC 9-30-3-14 and would be required to be heard in a circuit, superior, county, city or town court or traffic violations bureau designated by these courts. Furthermore, IC 34-28-5-5(c) states that all funds collected as judgments for violations of statutes defining infractions shall be deposited in the state general fund.

Additionally, in the Home Rule Law IC 36-1-3-8 states that a unit of government does not have the power to prescribe a penalty by local ordinance for conduct constituting an infraction.

AID TO COMMUNITY FACILITIES AND PROGRAMS

IC 36-10-2-4 allows a city or town to establish, aid, maintain, and operate libraries and museums, cultural, historical, and scientific facilities and programs, and community service facilities and programs.

Further, IC 36-10-2-5 allows a city or town to establish, aid, maintain, and operate neighborhood centers, community centers, civic centers, convention centers, auditoriums, arenas, and stadiums.

If a city or town desires to fund one of the aforementioned programs or activities, a contract should be entered into setting out what services are to be provided to the city or town.

MOVING TRAFFIC VIOLATIONS - ENFORCEMENT

IC 36-1-6-3(c) states that an ordinance defining a moving traffic violation may not be enforced in an ordinance violations bureau. Moving traffic violations must be enforced in accordance with IC 34-28-5 which requires such cases to be heard in any circuit, superior, county, city, or town court or traffic violations bureau designated by these courts.

SPEED LIMITS – CITY AND TOWN STREETS

Maximum Lawful Speeds

Except when a special hazard exists that requires lower speed for compliance with IC 9-21-5-1, the slower speed limit specified in IC 9-21-5-2 or established as authorized by IC 9-21-5-3 is the maximum lawful speed. A person may not drive a vehicle on a highway at a speed in excess of the following maximum limits:

1. Thirty (30) miles per hour in an urban district.
2. Fifty-five (55) miles per hour, except as provided in (1), (3), and (4).
3. Sixty-five (65) miles per hour on a highway on the national system of interstate and defense highways located outside of an urbanized area (as defined in 23 U.S.C. 101) with a population of at least fifty thousand (50,000), except as provided in (4).
4. Sixty (60) miles per hour for a vehicle (other than a bus) having a declared gross weight greater than twenty-six thousand (26, 000) pounds on a highway on the national system of interstate and defense highways located outside an urbanized area (as defined in 23 U.S.C. 101) with a population of at least fifty thousand (50,000).
5. Fifteen (15) miles per hour in an alley. [IC 9-21-5-2]

Alteration of Speed Limits by a City or Town

Except as provided in (e), whenever a local authority in the authority's jurisdiction determines on the basis of an engineering and traffic investigation that the maximum speed permitted is greater or less than reasonable and safe under the conditions found to exist on a highway or part of a highway, the local authority may determine and declare a reasonable and safe maximum limit on the highway. The maximum limit declared may do any of the following:

1. Decrease the limit within urban districts, but not to less than twenty (20) miles per hour.
2. Increase the limit within an urban district, but not to more than fifty-five (55) miles per hour during daytime and fifty (50) miles per hour during nighttime.

SPEED LIMITS – CITY AND TOWN STREETS (Continued)

3. Decrease the limit outside an urban district, but not to less than thirty (30) miles per hour.
4. Decrease the limit in an alley, but to not less than five (5) miles per hour.
5. Increase the limit in an alley, but to not more than thirty (30) miles per hour.

(b) A local authority in the authority's jurisdiction shall determine by an engineering and traffic investigation the proper maximum speed for all local streets and shall declare a reasonable and safe maximum speed permitted for an urban district.

(c) An altered limit established is effective at all times or during hours of darkness or at other times as may be determined when appropriate signs giving notice of the altered limit are erected on the street or highway.

(d) A local authority may not alter a speed limit on a highway or extension of a highway in the state highway system. A city or town may establish speed limits on state highways upon which a school is located. However, a speed limit established is valid only if the following conditions exist:

1. The limit is not less than twenty (20) miles per hour.
2. The limit is imposed only in the immediate vicinity of the school.
3. Children are present.
4. The speed zone is properly signed.
5. The Indiana department of transportation has been notified of the limit imposed by certified mail.

(e) A local authority may decrease a limit on a street to not less than fifteen (15) miles per hour if the following conditions exist:

1. The street is located within a park or playground established under IC 36-10.
2. The:
   (A) Board established under IC 36-10-3;
   (B) Board established under IC 36-10-4; or
   (C) Park authority established under IC 36-10-5;
   requests the local authority to decrease the limit.
3. The speed zone is properly signed. [IC 9-21-5-6]

Disposition of Fines Where a City or Town Alters Speed Limits

Official Opinion No. 88-4, issued by the Office of the Attorney General, stated that where a decrease or increase of a maximum speed limit is made by a city or town ordinance, a violation of the speed limit is completely local in nature and the fine may be deposited in the general fund of the city or town.

TRAVEL EXPENSE

In Official Opinion No. 74 of 1953 the Attorney General held that statutes do not authorize payment of a fixed travel allowance (fixed amount regardless of the number of miles traveled) to city officers and employees. It is our audit position that this same reasoning would apply to town officers and employees.

> The opinion states in part: "… I can find no statutory authority for the payment of a fixed monthly travel allowance to municipal employees and the employment relationship does not change the fact that such a "travel allowance" is in the nature of extra compensation to the employees involved."

TRAVEL EXPENSE (Continued)

> This opinion is limited to the payment of a fixed monthly travel allowance and should not be considered as touching upon the authority of a city to reimburse its employees for travel upon a mileage basis, or by any other proper method based on the expense of the travel."

Based on the foregoing opinion the State Board of Accounts has taken the audit position that city and town officers and employees may be reimbursed for actual miles traveled in their own motor vehicles on official business of the city or town at a reasonable rate per mile as fixed by an ordinance of the common council or the town council. If such an ordinance has not been enacted, we believe that the mileage reimbursement rate should be fixed by the board or commission having the authority to approve the claims. There is no statute limiting the rate per mile for mileage reimbursement. This is left to the discretion of the local officials. The common council or town council should also determine if parking and toll fees shall be a part of the mileage rate or if the city and town officials and employees are to be reimbursed for parking and tolls in addition to their mileage reimbursement.

Reimbursed mileage should not include travel to and from the officer's or employee's home and the governmental office in which he works. If two or more persons ride in the same motor vehicle, only one mileage reimbursement is allowable.

General Form No. 101 should be used for claiming mileage if more than one trip is involved. The odometer reading columns on this form are to be used only when distance between points cannot be determined by fixed mileage or official highway map.

When traveling outside the corporation limits on official business, city and town officers and employees may be reimbursed for meals, lodging and other necessary traveling expenses. The claim for reimbursement should be completely itemized and should be supported by receipts from hotels, restaurants, and taxi cabs used by the employee while traveling on official business of the city or town.

RETAINAGE ON PUBLIC CONTRACTS IN EXCESS OF $100,000

Pursuant to IC 36-1-12-14, it is required that when public works contracts are awarded by a city or town for certain public works or improvements and such contracts exceed $100,000, the retainage withheld from payments to the contractor shall be placed in an escrow account with an escrow agency, to be invested and accounted for in the manner provided in the statute. This statute applies to the construction, alteration, or repair of all buildings or other improvements the cost of which is paid from public funds or from special assessments imposed and levied on real estate, land and lots benefited thereby but shall not include highways, roads, streets, alleys, bridges and appurtenant structures situated on streets, alleys and dedicated highway rights-of-way.

The statute requires a written agreement to be executed between the board (defined to mean the board or officer of a political subdivision or agency having the power to award contracts for public work), the contractor and the escrow agent selected by mutual agreement between the affected parties. The statute sets out the matters to be covered by the terms of the agreement and further provides that the escrow agent be "a bank, savings and loan institution, or the state…"

Where a contract is subject to the provisions of this law it is required that at the time any retainage is withheld the amount of the retainage shall be placed in an escrow account with the escrow agent, to be promptly invested by the escrow agent in its discretion. The escrowed principal and the income from the investments shall be held by the escrow agent until receipt of a notice releasing the funds in accordance with the terms of the law and the agreement.

RETAINAGE ON PUBLIC CONTRACTS IN EXCESS OF $100,000 (Continued)

Where a bank or savings and loan institution is selected as escrow agent, the amount of the retainage withheld shall be paid by warrant to the escrow agent and, when paid, shall be treated in the same manner as any other payment on the contract, with the escrow agent being required to deposit, invest and otherwise account for the escrowed principal and interest, in accordance with the law and the terms of the agreement. The escrow account will not be carried on the records of the city or town.

The law provides that the escrow agent shall be compensated for its services as the parties may agree in an amount comparable with fees being charged for the handling of escrow accounts of similar size and duration. The fee shall be paid from the escrowed income of the escrowed account.

The city or town attorney should be consulted if any questions should arise on retainage.

PUBLICATION OF PENAL ORDINANCES

Except in case of an emergency requiring immediate implementation of an ordinance, a city and town ordinance providing penalty or forfeiture for a violation, which ordinance is not published in book or pamphlet form as a part of a municipal code pursuant to IC 36-4-6-14(c) and IC 36-5-2-10(b)(1), respectively, must be published in a newspaper as required by IC 5-3-1. To restate, if the ordinance is published in book or pamphlet form as a part of a municipal code, it need not be published in a newspaper.

CITY-COUNTY BUILDING AUTHORITIES

A city-county building authority may be created pursuant the provisions of IC 36-9-13. The creation of the building authority requires a resolution by the Board of County Commissioners, County Council and the Municipal Fiscal Body (Common Council or Town Council) of the county seat city or town prior to a public hearing on the question. A concurrent resolution by the same parties must be enacted after the public hearing, copies prepared and certified by affidavits, and filed with the county recorder.

Preliminary expenses of the building authority may be paid from funds provided by the city and county, or either of such units. Such preliminary expenses are to be repaid from the proceeds of the revenue bonds or loans executed by the building authority.

A city-county building authority has the power to finance and construct buildings for the joint and separate use of any one or more of the governmental units in the county and to lease such buildings to the governmental units.

DESTRUCTION OF BOND COUPONS

This office received a question on our audit position regarding cremation certificates for destroyed bond coupons.

Authorization and procedures for destruction of public records may be found in IC 5-15-6. A review of the statute disclosed no authorization for use of cremation certificates by any governmental unit. However, if in the bond ordinance a trustee agreement provides for cremation by the trustee with adequate protection of the municipality, the State Board of Accounts will not take an audit exception.

PARK NONREVERTING OPERATING FUND – USE OF PROGRAM BALANCES

Questions are received on the audit position of the State Board of Accounts regarding use of program activity balances within the special nonreverting operating fund. Specifically, can revenues generated from various programs within the special nonreverting operating fund be used to pay expenditures and obligations of other programs within the fund that have operated at a loss?

IC 36-10-3-22 states in part: "… (a) Park and recreation facilities and programs shall be made available to the public free of charge as far as possible. However, if it is necessary in order to provide a particular activity, the board may charge a reasonable fee. (b) The unit's fiscal body may establish by ordinance, upon request of the board: (1) a special nonreverting operating fund for park purposes from which expenditures may be made as provided by ordinance. …" (Our Emphasis)

After receiving a request from the Park and Recreation Board, the Common Council or Town Council should set out in the ordinance the types of expenditures approved and any other conditions and procedures related to such expenditures.

Legislative intent was that the special nonreverting operating fund was intended to provide a means of funding a "particular activity" with a reasonable fee. Each such activity was to be more or less self-supporting. The fund was never intended to be a revenue producing mechanism enabling the Park and Recreation Board to operate outside of review of the Common Council or Town Council.

The State Board of Accounts has never objected when immaterial project or activity surpluses have been generated and used to help other park activities within the special nonreverting operating fund. (Of course, this assumes the Common Council or Town Council has granted such authority within the enabling ordinance.) As a general rule, when a program activity generates a large balance or surplus, we have advised units to transfer these balances to the park operating fund. Conversely, if a program activity is unable to generate enough revenue to fund the program, the Board would have to appropriate and make expenditures from the park operating fund to make up the shortfall.

STATE GAMING FUND – REVENUE SHARING

House Enrolled Act 1001 (SS) which amends IC 4-33-13-5, sets aside the first thirty-three million dollars ($33,000,000) of riverboat wagering tax revenue to be distributed to those counties, cities and towns that do not have a riverboat beginning in 2003.

Before August 15 of 2003 and each year thereafter, the treasurer of state shall distribute the wagering taxes set aside for revenue sharing to the county treasurer of each county that does not have a riverboat according to the ratio that the county's population bears to the total population of the counties that do not have a riverboat. The county treasurer shall distribute the money received by the county as follows:

1. To each city located in the county according to the ratio the city's population bears to the total population of the county.

2. To each town located in the county according to the ratio the town's population bears to the total population of the county.

3. After the distributions required in subdivisions (1) and (2) are made, the remainder shall be retained by the county.

STATE GAMING FUND – REVENUE SHARING (Continued)

Money received by a city, town, or county may be used only:

(1) to reduce the property tax levy of the city, town, or county for a particular year (a property tax reduction does not reduce the maximum levy of the city, town or county under IC 6-1.1-18.5);

(2) for deposit in a special fund or allocation fund created under IC 8-22-3.5, IC 36-7-14, IC 36-7-14.5, IC 36-7-15.1, and IC 36-7-30 to provide funding for additional credits for property tax replacement in property tax increment allocation areas;

(3) to fund sewer and water projects, including storm water management projects; or

(4) for police and fire pensions.

However, not more than twenty percent (20%) of the money received may be used for police and fire pensions.

Additionally, IC 4-33-13-6 states that money paid to a unit of local government under IC 4-33-13 must be paid to the fiscal officer of the unit and may be deposited in the unit's general fund or riverboat fund established under IC 36-1-8-9, or both. This would require all revenue sharing distributions to be placed in the general fund or riverboat fund.

CONTRACTS – DOING BUSINESS WITH PUBLIC DEPOSITORY OFFICIALS OR PUBLIC PRINTERS

In an Official Opinion dated September 28, 1922, the Attorney General held that it would not only be lawful but compulsory for a governmental unit to publish a legal notice in a newspaper owned by an official of the governmental unit if the law governing legal advertising requires publication in such newspaper.

This same reasoning would apply to the deposit of public funds of a governmental unit in a bank in which an officer of the governmental unit has an interest if such bank qualified for receiving public funds under "The Depository Act of 1937," IC 5-13-1. This position may be found in two unofficial advisory letters of the Attorney General dated November 21, 1963, and October 27, 1964, respectively.

Any other transactions with the governmental unit by the newspaper in the first paragraph and/or the bank in the second paragraph could be prohibited by IC 35-44-1-3 which lists conditions whereby a conflict of interest exists.

FEDERAL GRANTS – COGNIZANT AGENCIES

The term "Cognizant Agency" is commonly used in connection with federal grant auditing under the organization wide audit concept. Recipients expending more than 25 million a year in Federal awards shall have a cognizant agency for audit. The designated cognizant agency for audit shall be the Federal awarding agency that provides the predominant amount of direct funding to a recipient unless OMB makes a specific cognizant agency for audit assignment. To provide continuity of cognizance, the determination of the predominant amount of direct funding shall be based upon direct Federal awards expended in the recipient's fiscal years ending in 1995, 2000, 2005 and every fifth year thereafter.

Oversight agency for the audit means the Federal awarding agency that provides the predominant amount of direct funding to a recipient not assigned a cognizant agency for audit. When there is no direct funding, the Federal agency with the predominant indirect funding shall assume the oversight responsibilities.

SALES TAX – GOLF CART RENTALS

At our June School it was stated by a representative of the Department of Revenue that golf cart rentals were not subject to sales tax. This was incorrect. Rentals of golf carts at municipally owned golf courses are subject to sales tax.

All questions concerning the law or procedures for collecting and paying sales tax should be directed to the Indiana Department of Revenue, Sales Tax Division, IGC-N, Indianapolis, IN, 46204, telephone number (317) 233-4015.

ORDINANCE VIOLATIONS ON PRIVATE PROPERTY – REMOVAL COSTS

IC 36-1-6-2 states, as follows:

"(a) If a condition violating an ordinance of a municipal corporation exists on real property, officers of the municipal corporation may enter onto that property and take appropriate action to bring the property into compliance with the ordinance. However, before action to bring compliance may be taken, all persons holding a substantial interest in the property must be given a reasonable opportunity to bring the property into compliance. If action to bring compliance is taken by the municipal corporation, the expense involved may be made a lien against the property.

(b) If the violation described in subsection (a) is a violation that is located outdoors and does not involve a building or structure, the municipal corporation may also issue a bill to the owner of the real property for the costs incurred by the municipal corporation in bringing the property into compliance with the ordinance, including administrative costs and removal costs.

(c) If the owner of the real property fails to pay a bill issued under subsection (b), the municipal corporation may certify to the county auditor the amount of the bill, plus any additional administrative costs incurred in the certification. The auditor shall place the total amount certified on the tax duplicate for the property affected, and the total amount, including any accrued interest, shall be collected as delinquent taxes are collected and shall be disbursed to the general fund of the municipal corporation."

CUMULATIVE CAPITAL IMPROVEMENT (CCI) FUND - USES

IC 6-7-1-31.1 states, as follows:

"(a) The fiscal body of each city and the fiscal body of each town shall, by ordinance or resolution, establish a cumulative capital improvement fund for the city or town. Except as otherwise provided in subsection (c), the city or town may only use money in its cumulative capital improvement fund to:

(1) purchase land, easements, or rights-of-way;

(2) purchase buildings;

(3) construct or improve city owned property;

(4) design, develop, purchase, lease, upgrade, maintain, or repair:

(A) computer hardware;
(B) computer software;
(C) wiring and computer networks; and
(D) communications access systems used to connect with computer networks or electronic gateways;

(5) pay for the services of full-time or part-time computer maintenance employees;

(6) conduct nonrecurring in-service technology training of unit employees;

(7) undertake Internet application development; or

(8) retire general obligation bonds issued by the city or town for one (1) of the purposes stated in subdivision (1), (2), (3), (4), (5), or (6).

(b) The money in the city's or town's cumulative capital improvement fund does not revert to its general fund.

(c) A city or town may at any time, by ordinance or resolution, transfer to:

(1) its general fund; or

(2) an authority established under IC 36-7-23;

money derived under this chapter that has been deposited in the city's or town's cumulative capital improvement fund."

SEWER LIENS – RECORDING AND CERTIFYING

The officer charged with collection of unpaid sewage fees and penalties shall enforce their payment. The officer may defer enforcing the collection of the unpaid fees and penalties assessed until the unpaid fees and penalties have been due and unpaid for at least ninety (90) days.

Such officer shall as often as the officer determines is necessary in any calendar year prepare a list or an individual instrument for each lot or parcel of the delinquent fees and penalties and record such list or individual instruments with the County Recorder.

A five dollar ($5.00) service fee is to be added by the proper City or Town official to each delinquent fee, penalty, and recording fee and is included in the total amount of the lien to be recorded in the County Recorder's office. The amount of the recording fee should also include the amount required to record as well as release the lien.

When the delinquent fee, penalty, and recording fee have been recorded in the County Recorder's office, and the charges have not yet been certified to the County Auditor, the proper City or Town official may collect the total amount due on any lien. When collected, the city or town official shall also collect the five dollar ($5.00) service fee and shall remit the five dollar ($5.00) fee to the County Treasurer to be quietused into the County General fund.

Liens remaining unpaid shall be certified to the County Auditor after September 1 and before December 15 each year. Amounts which are certified will be added to property taxes due the next May 10.

After any delinquent fees, penalties, recording fees and service fees have been certified to the County Auditor for placing the charges upon the tax duplicate for collection, the city or town shall not collect these charges but they will be collected only by the County Treasurer. The list supplied by the City or Town to the County Auditor shall be compiled from the lists previously recorded in the office of the County Recorder and not satisfied.

The board over the sewage utility may write off any fee or penalty that is for less than forty dollars ($40). [IC 36-9-23-33]

HYDRANT RENTAL – RECOVERY OF COSTS FROM CUSTOMERS

IC 8-1-2-103 allows municipalities to recover public fire protection costs paid to a public or municipally owned water utility by adopting an ordinance that provides including the costs in the basic rates of all customers of the utility. Fire protection costs are defined to include charges for the production, storage, transmission, sale and delivery or furnishing of water for fire protection.

This change in the recovery of fire protection costs shall not be considered to be a general increase in basic rates and charges of the public utility and is not subject to the notice and hearing requirements applicable to general rate proceedings.

The above method of recovering public fire protection costs is mandatory for water utilities that provide services in Marion County and portions of counties adjacent to Marion County.

STORM WATER MANAGEMENT SYSTEMS – FINANCING OF

IC 8-1.5-5-7 states, as follows:

"(a) The acquisition, construction, installation, operation, and maintenance of facilities and land for storm water systems may be financed through:

(1) proceeds of special taxing district bonds of the storm water district;

(2) the assumption of liability incurred to construct the storm water system being acquired;

(3) service rates;

(4) revenue bonds; or

(5) any other available funds.

(b) The board, after approval by the legislative body of the municipality, may assess and collect user fees from all of the property of the storm water district for the operation and maintenance of the storm water system.

(c) The collection of the fees authorized by this section may be effectuated through a periodic billing system or through a charge appearing on the semiannual property tax statement of the affected property owner."

DEFERRED RETIREMENT OPTION PLAN (DROP) – 1925, 1937 AND 1977 RETIREMENT PLANS

Requires a member who elects to enter DROP to agree to the following:

(1) The member shall execute an irrevocable election to retire on the DROP retirement date and shall remain in active service until that date.

(2) While in the DROP, the member shall continue to make contributions to the applicable fund under the provisions of that fund.

(3) The member shall elect a DROP retirement date not less than twelve (12) months and not more than thirty-six (36) months after the member's DROP entry date.

(4) The member may not remain in the DROP after the date the member reaches any mandatory retirement age that may apply to the member.

(5) The member may make an election to enter the DROP only once in the member's lifetime.

The retirement benefit for a member who enters the DROP and retires on the member's DROP retirement date is determined under IC 36-8-8.5 rather than under the provisions of the applicable fund.

A member who retires on the member's DROP retirement date may elect to receive a retirement benefit in one of the following forms:

(1) A retirement benefit paid by and calculated under the provisions of the applicable fund as if the member had never entered the DROP.

DEFERRED RETIREMENT OPTION PLAN (DROP) – 1925, 1937 AND 1977 RETIREMENT PLANS (Continued)

(2) A retirement benefit paid by the applicable fund and consisting of:

(A) the DROP frozen benefit; plus

(B) an additional amount, paid as the member elects, calculated by multiplying:
(i) the amount of the DROP frozen benefit; by
(ii) the number of months that the member was in the DROP.

A member who chooses the retirement benefit must elect to receive the additional amount as:

(1) a lump sum paid on the member's DROP retirement date; or

(2) three (3) equal annual payments commencing on the member's DROP retirement date and thereafter paid on the anniversary of the member's DROP retirement date.

In calculating a member's retirement benefit, the applicable fund must use the lesser of:

(1) the member's actual years of service; or

(2) thirty-two (32) years of service.

The retirement benefits for a member who exits the DROP for any reason other than retirement on the member's DROP retirement date are calculated under the provisions of the applicable fund as if the member had never entered the DROP.

A member who enters the DROP must exit the DROP at the earliest of:

(1) the member's DROP retirement date;

(2) thirty-six (36) months after the member's DROP entry date;

(3) the mandatory retirement age applicable to the member, if any; or

(4) December 31, 2007. [IC 36-8-8-5]

UNPAID PARKING TICKET FINES

If it appears from the records of a court that has jurisdiction to enforce ordinances that regulate parking violations that three (3) judgments concerning a motor vehicle have not been paid before the deadlines established by a statute, an ordinance, or a court order, the clerk of the court shall send a notice to the person who is the registered owner of the motor vehicle. The notice must inform the person of the following:

(1) That the clerk will send a referral to the bureau of motor vehicles if the judgments are not paid within thirty (30) days after the notice was mailed.

(2) That the referral will result in the suspension of the motor vehicle's registration if the judgments are not paid.

A clerk may send a referral to the bureau of motor vehicles if the judgments are not paid not later than thirty (30) days after a notice was mailed. The referral must include the following:

(1) Any information known or available to the clerk concerning the following of the motor vehicle:

(A) The license plate number and year of registration
(B) The name of the owner.

(2) The date on which each of the violations occurred.

(3) The law enforcement agencies responsible for the parking citations.

(4) The date when the notice required under IC 9-30-11-3 was mailed.

(5) The seal of the clerk. [IC 9-30-11-3 and IC 9-30-11-4]

If the city or town enforces parking violations through an ordinance violations bureau, then the city or town attorney would be required to bring action to enforce nonpayment of parking fines in county, city or town court before the provisions of IC 9-30-11 could be used.